

5.0 ASSESSMENT OF CITY ORDINANCES AND DEPARTMENT RULES

5.1 Revised Ordinances of Honolulu, Chapter 10 Rules, Regulations, Charges and Fees for Public Parks and Recreation Facilities

The laws governing the City and County of Honolulu are found in the Revised Ordinances of Honolulu 1990 (ROH). The City Council, by authority under the Revised Charter of the City and County of Honolulu (1994 ed.), are authorized to adopt ordinances which shall have the force and effect of law. In its review of the ordinances, the Department evaluated whether any services offered, procedures, or language used in the ordinances are discriminatory to people with disabilities. The Department of Parks and Recreation will make recommendations to City Council to amend the ordinances relating to parks and recreation programs and services to ensure compliance with the requirements of ADA Title II.

1. ROH Sec. 10-1.2 (a)(9). Prohibits animals in parks and restricts domestic pets including dogs in parks.

Recommendations: Recommend to City Council revision to allow guide, signal or service animals for persons with disabilities in parks.

2. ROH Sec. 10-1.5 (b). Prohibits unauthorized motor vehicles on any public beach.

Recommendations: Recommend to City Council revision to exempt motorized wheelchairs or transport for persons with disabilities.

3. ROH Sec. 10-2.2 (e)(3). Free admittance for adult supervisors including those for "special education" students.

Recommendations: Recommend to City Council revision to include deletion of "Special education" and amend definition to include monitors or personal care attendants required by students with disabilities. Also recommend including any personal care attendant required by a person with disabilities (not limited to students or special categories).

5.2 Rules and Regulations of the Department of Parks and Recreation

The Director is required by ordinance to promulgate rules and regulations to govern the use of parks to ensure maximum permissible use; to ensure proper, orderly and equitable use; to promote health, safety, and welfare of users; to establish procedures for obtaining permits; and to protect and preserve park properties. In reviewing the rules and regulations of the Department, the rules and regulations were analyzed to determine whether any services offered, procedures, or language used are discriminatory to people with disabilities.

1. Rules Governing the Designation of Aala Park as a Temporary Campsite and Shelter for Homeless Individuals and Families effective 10/06/90

Summary: Amended rules relating to the designation of Aala Park as a temporary campsite and shelter for homeless individuals and families. Section 11 of the rules states that "any person, upon written notice of termination of eligibility, may appeal to the head of the agency which issued the permit."

Recommendations: Revise Section 11 to state "notice" in lieu of "written notice".

2. Rules Governing Motorized and Glider Airplane Activities in City Parks effective 12/30/90

Summary: Amended rules regulate operation of model airplanes in City parks and establish procedures for the issuance of permits for model airplane meets, races or other types of competitions. Part II, A(5) requires the permittee to arrange for portable sani-toilets at flying fields where there are no comfort stations.

Recommendations: Revise Part II, A(5) to require permittee to provide accessible sani-toilets.

3. Rules Relating to Beachboy Concessions effective 12/2/91

Summary: Rules relating to beachboy concessions for sale of beach services and goods; signs and advertising of rates and prices; and other general conditions.

Recommendations: Revise rules to require concessionaire to comply with ADA and all other requisite federal, state and county laws.

4. Rules Relating to the use of the Koko Head District Park Bicycle Motor Cross (BMX) Track effective 08/23/87

Summary: Rules governing the use of the Koko Head District Park bicycle motor cross (BMX) track.

Recommendations: Revise rules to require the permittee to comply with ADA and all other requisite federal, state and county laws.

5. Rules Governing Model Boat Activities in City Parks
effective 11/29/81

Summary: Rules establish procedure for issuance of permits for model boat activities in City parks. Part III, A(2) states that copies of rules are on file and available for inspection and that copies can be made available at price to cover mailing and publication.

Recommendations: Revise Part III to state that copies can be made available for inspection in alternate format. Price to cover mailing and publication should not discriminate against persons with disabilities. Therefore, a clarification should be made here or in a separate guide for pricing reproduction/copies for public distribution.

6. Rules Governing Camping in City Parks effective 12/14/96

Summary: Amended camping policy, rules and regulations governing camping at City parks. Section 14(12) prohibits animals in the campgrounds.

Recommendations: Amend Section 14(12) to allow guide or service animals required by persons with disabilities. Consider procedures for issuing permits to accessible campsites to people with disabilities and to people without disabilities. Also revise rules to require the permittee to comply with ADA and all other requisite federal, state and county laws.

7. Rules Governing the Construction and Operation of Canoe Shelters on City Park Properties effective 05/07/88

Summary: Rules governing the construction and operation of canoe shelters by canoe associations for the storage of canoes on City park properties.

Recommendations: Revise rules to require canoe associations to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

8. Rules Governing Carnivals held in Public Parks effective 12/19/83

Summary: Amended rules designate carnival sites, establish procedures governing carnival permits to organizations, and operation of carnivals.

Recommendations: None.

9. Rules Governing Recreation Child Care Programs effective 7/12/98

Summary: Rules establish procedures on the administration of recreation child care programs which include the Summer Fun program, Summer Plus program, intersession programs and after school programs offered by the Department.

Recommendations: Revise Section 9-1 to state that copies can be made available for inspection in alternate format. Price to cover mailing and publication should not discriminate against persons with disabilities. Therefore, a clarification should be made here or in a separate guide for pricing reproduction/copies for public distribution.

10. Rules Governing the Procedures for the Closure of Designated Parks at Night Due to Illegal Activities effective 8/03/90

Summary: Rules establish uniform procedures for the closure of designated City parks at night due to illegal activities.

Recommendations: None.

11. Rules Relating to the Limited Commercial Use of Parks and Park Facilities effective 10/23/92

Summary: Amended rules relating to the use of parks and park facilities for limited commercial activities.

Recommendations: None.

12. Rules Governing Commercial Scuba Diving and Snorkeling Activities at Hanauma Bay Beach Park effective 1/03/93

Summary: Amended rules establish procedures for issuance of permits for commercial SCUBA diving (to include SNUBA) and snorkeling activities at Hanauma Bay Beach Park.

Recommendations: Revise rules to require canoe associations to comply with all applicable federal, including the

Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

13. Rules Governing Commercial Windsurfing Activities in Kailua Beach Park effective 1/3/87

Summary: Amended rules establish procedures for issuance of permits for commercial windsurfing activities at Kailua Beach Park.

Recommendations: Revise rules to require canoe associations to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

14. Rules Governing Commercial Filming (TV, Movie, Stills) effective 12/26/87

Summary: Amended rules establish procedures for issuance of permits for commercial filming (TV, movies, stills) activities in City parks.

Recommendations: None.

15. Rules Governing Commercial Scuba Diving (To Include Snuba) and Snorkeling Activities in City Beach Parks located in other than State Conservation Districts effective 10/23/92

Summary: Amended rules establish procedures for issuance of permits for commercial SCUBA (including SNUBA) and snorkeling activities in City beach parks located in other than State conservation districts.

Recommendations: Revise rules to require canoe associations to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

16. Rules Governing Commercial Scuba Diving (to include Snuba) and Snorkeling Activities in City Beach Parks located within State Conservation Districts effective 10/22/92

Summary: Amended rules establish procedures for issuance of permits for commercial SCUBA diving (including SNUBA) and snorkeling activities in City beach parks located within State conservation districts except Hanauma Bay Nature Park, Koko Head Sandy Beach Park, and Makapuu Beach Park.

Recommendations: Revise rules to require canoe associations

to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

17. Rules Governing Commercial Swimming and Surfing Instruction in City Beach Parks effective 1/03/87

Summary: Amended rules establish procedures for issuance of permits for commercial swimming and surfing instructions in City beach parks.

Recommendations: Revise rules to require canoe associations to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

18. Rules Governing Recreational Stops by Commercial Tour Companies in City Parks effective 9/6/84

Summary: Amended rules establish procedure for issuance of permits for recreational stops by commercial tour companies in City parks.

Recommendations: None.

19. Rules Governing Commercial Hiking Tours at Hanauma Bay and Adjacent Area With the Conservation District effective 12/29/86

Summary: Rules establish the procedure for issuance of permits for commercial hiking tours at Hanauma Bay and the adjacent area within the conservation district.

Recommendations: Revise rules to require canoe associations to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

20. Rules Governing the Community Recreational Gardening Program effective 11/4/84

Summary: Amended rules governing the operation and management of all community recreational gardening projects under the Department of Parks and Recreation. Part IV, 4.1(b) provides that copies of the rules are "available to the public at a price to be fixed by the agency to cover mailing and publication costs."

Recommendations:

- A. Revise Part IV, 4.1(b) to provide that pricing should not discriminate against persons with disabilities. Therefore, a clarification should be made here or in a separate guide for pricing reproduction/copies for public distribution. Also, inform the public that copies available for inspection can be made available in alternate format.
- B. Amend rules to allow for personal care attendants for persons with disabilities.

Summary: By-Laws for Community Recreational Garden Organization established in conjunction with the Rules Governing Community Recreational Gardening Program. Section II(b) of the By-laws requires the garden organization to hold monthly meetings to conduct the business of the garden. Section II© requires the posting of notices on the garden bulletin board.

- A. Revise Section II(b) to require that meetings of the community garden organization be held at accessible sites.
- B. Revise Section II(c) to require notices and information posted on the bulletin board available in alternate format and provided to gardeners with visual disabilities in a timely manner.

21. Rules Governing Craft Fairs and Art Marts Held in City Parks effective 10/7/85

Summary: Amended rules establish permit procedures and operational requirements for craft fairs and art marts held on City park properties. Part II, A(4) requires permittee to arrange for sani-toilets. Part III, A(2) provides that copies of the rules are "available to the public at a price to be fixed by the agency to cover mailing and publication costs."

Recommendations:

- A. Revise Part II, A(4) to require applicant to provide accessible sani-toilets.
- B. Revise Part II, A(4) to provide that pricing should not discriminate against persons with disabilities. Therefore, a clarification should be made here or in a separate guide for pricing reproduction/copies for public distribution. Also provide that copies

available for inspection can be made available in alternate format.

22. Rules Governing Dogs in City Parks effective 12/20/91

Summary: Amended rules establish procedures for the issuance of permits for dog shows, trials and obedience classes and governing areas within a park designated for dogs. Section 2.1.b. exempts seeing eye dogs from the rule prohibiting dogs in public parks.

Recommendations: Revise Section 2.1.b to allow guide, signal or service animals for persons with disabilities.

23. Rules Relating to the Limited Vehicular Traffic on the Access Road between the Upper and Lower Portions of Hanauma Bay Beach Park effective 10/6/83

Summary: Rules governing the use of the access road between the upper and lower portions of Hanauma Bay by the City Concessionaire.

Recommendations: Revise rules to require the concessionaire to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

24. Rules Governing Visitor Use Levels and Controls at Hanauma Bay Nature Preserve effective 7/16/98

Summary: Amended rules regulating the hours of operation, fees, numbers to access the park, use of the public and commercial parking lots.

Recommendations: None.

25. Rules Governing Hand Glider and Ultra Light Aircraft Activities in City Parks effective 3/13/82

Summary: Rules establish procedures for issuance of permits for hang glider and ultra light aircraft activities. Part III, A(2) provides that copies of the rules are "available to the public at a price to be fixed by the agency to cover mailing and publication costs."

Recommendations: Revise Part II, A(2) to provide pricing should not discriminate against persons with disabilities. Therefore, a clarification should be made here or in a

separate guide for pricing reproduction/copies for public distribution. Also provide that copies available for inspection can be made available in alternate format.

26. Rules Governing Helicopter and Parachute Landings on City Parks effective 3/25/90

Summary: Rules establish procedure for issuance of permits for helicopter and parachute landings on City park properties.

Recommendations: None.

27. Rules for Ho'omaluhia effective 3/4/82

Summary: Rules governing the use of Ho'omaluhia Botanic Garden. Section 4 prohibits animals in the park with an exception for dogs under limited circumstances. Section 20(6) provides limited preliminary inquiries concerning permits may be made by telephone.

Recommendations:

- A. Revise Section 4 to allow guide, signal or service animals for persons with disabilities.
- B. Revise Section 20(6) to provide a TDD number where the same service may be accessed.

28. Rules Governing Leisure Services Incentive Fund effective 2/1/87

Summary: Rules governing the administration of the Leisure Services Incentive Fund and procedures for application for sponsorship of incentive fund projects.

Recommendations: Revise Part VII, relating to methods of communicating petitions, decisions, and information, by amending rules to reflect availability of alternate formats and to eliminate any discriminatory conditions.

29. Rules Governing Use of Malls effective 7/3/88

Summary: Amended rules establish procedures for the issuance of permits for the use of malls.

Recommendations: None.

30. Rules Governing Parking in City Parks effective 2/16/90

Summary: Rules governing parking in City park properties. Part I, Section C defines vehicle to include anything that is "mechanically propelled."

Recommendations: Revise Part I, Section C to exclude from the definition for "vehicle" mechanized wheelchairs or similar assistive devices necessary for persons with disabilities.

31. Rules Governing Participating Vendor of the People's Open Market Program effective 10/17/85

Summary: Rules establish application process for vendors to participate in the People's Open Market Program and regulations governing the People's Open Market Program. Section 14.11 of the rules prohibits vendors from discriminating in rendering their service. Section 14.17 of the rules require vendors to post signs and pricing information.

Recommendations:

- A. Revise Section 14.17 to require vendors to provide the pricing information verbally when asked.
- B. Include DPR access information and TDD number.
- C. Revise Section 14.11 to require vendors to render services without discrimination to also include persons with disabilities.

32. Rules Governing Picnic Activities at City Parks effective 6/23/89

Summary: Amended rules govern picnic activities at City parks, establish procedures for issuance of group picnic permits and summer season picnic site reservations.

Recommendations: None.

33. Rules Governing Recreational Activities Including Fund-Raising Activities Sponsored by Community Organizations, Groups or Individuals; Sports Activities Conducted by a League, Organization, Group or Individual; Meetings, Gatherings or Similar Activities Held by Organizations; Non-Recreational Public Service Activities held on City Park Properties effective 10/8/88

Summary: Rules establish procedure for issuance of permits for sponsored recreational activities, fund-raising activities, use of park property by sports leagues and for meetings.

Recommendations: Revise rules to require permittees to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

34. Rules Governing Right-of-Entry to City Park Properties
effective 6/6/87

Summary: Rules establish procedure for issuance of permits for right-of-entry to or through City park properties for construction and repair projects.

Recommendations: None.

35. Rules Governing the Sale of Message-bearing Merchandise by Nonprofit Organizations in City Parks effective 5/25/96

Summary: Rules establish procedures for the issuance of permits to nonprofit organizations for the sale of message-bearing merchandise in City parks and facilities.

Recommendations: None.

36. Rules Governing Use of City Beach Parks and Other Beach Properties to Provide Access to Conduct Shore Water Events
effective 11/8/91

Summary: Amended rules establish procedures for issuance of permits for use of City beach parks and other beach properties to provide access to conduct shore water events. Section 3(5) of the rules require the applicant to provide portable toilets.

Recommendations: Amend Section 3(5) to require permittee to provide for accessible portable toilets. Revise rules to require permittees to comply with all applicable federal, including the Americans with Disabilities Act, state and city and county statutes, ordinances, rules and regulations.

37. Rules Governing the Issuance of Reservation Permits for the Use of Public Tennis Courts effective 8/5/76

Summary: Rules establish procedures for the issuance of reservation permits for the use of public tennis courts.

Section 3.1 states that copies of rules may be made available at a price to cover mailing and publications.

Recommendations: Revise Section 3.1 to provide pricing should not discriminate against persons with disabilities. Therefore, a clarification should be made here or in a separate guide for pricing reproduction/copies for public distribution. Also provide that copies available for inspection can be made available in alternate format.

38. Rules Governing the Pruning of Exceptional trees effective 1/22/84

Summary: Rules regarding the pruning of exceptional trees.

Recommendations: None.

39. Rules Governing Planting and Maintenance of Street Trees effective 7/3/71

Summary: Rules relating to planting and maintenance of street trees and issuance of all permits required to replace, remove, plant, spray, trim, and prune street trees.

Recommendations: None.

5.3 Department of Parks and Recreation Policies and Procedures Manual

The Department of Parks and Recreation Policies and Procedures manual consists of policies and procedures in the following categories:

- Communications
- General Administration
- Budget Administration
- Financial Administration
- Personnel Administration
 - General
 - Recruitment, Placement, Transfer
 - Conditions of Employment
 - Employee Relations
 - Training
- Safety/Emergency
- Recreation
- Water Safety
- Parks Maintenance
- Maintenance Support Services

Beautification
Grounds Maintenance
Facilities Development
Golf Course
Zoo
Botanical Gardens

In its review of the Department's policies and procedures, the Department determined that the vast majority of the policies and procedures are related to internal procedures which do not affect programs, benefits and services for the public. Therefore, only those policies and procedures which are applicable to Title II ADA requirements and affect the programs, benefits and services provided to the public have been selected for review and comment.

1. Complaints, Subj. 020
Establishes guidelines for the appropriate handling of complaints.

Recommendations: Include or refer to the Department's and City's ADA grievance procedures.

2. Requests for Department Services, Subj. 055
Establishes policy and procedures for the appropriate documentation and routing of requests for Department services. All requests are required to be in writing.

Recommendations: The procedure should include a statement that, for persons with disabilities who may not be able to submit a request in writing, appropriate accommodations will be made available upon request, e.g., accept a verbal request which will be transcribed into written form for the Director to review.

3. Sign Policy and Procedures, Subj. 115
Policy and procedures for establishing and maintaining signs in City parks, facilities, and other areas under its control.

Recommendations:

1. Certain informational and instructional signs such as swimming pool and gym rules, and weight room instructions for use of equipment should be available in alternate formats and readily available for the drop-in park user.
2. Staff persons responsible for review, revision, design, placement, and selection of signs should be trained in

ADA Title II requirements and design standards for accessible signs.

3. Persons responsible for replacement of signs should receive training to ensure that signs will be replaced appropriately, and to the maximum extent possible, using the International Symbol of Accessibility to indicate entrances, accessible features, and programs.
4. Non-Discrimination on the Basis of Handicap, Subj. 184

Recommendations: This policy and procedures, based on Mayor's Directive No. 139, February 24, 1978 and Managing Director's Directive 84-8, October, 1984 is outdated and should be deleted or revised to reflect the City's current policy and procedures. In the area of employment, in particular, the Department of Human Resources, City and County of Honolulu has developed numerous policies and procedures for accommodating the needs of employees with disabilities. Because the City's policy against discrimination has already been developed by appropriate departments, the manual should be revised to reflect the current policy against discrimination.

5. Fees and Charges for Furnishing Copies of Public Records (Ordinance No. 2743)

Establishes policy and procedure to be followed in carrying out provisions of Ordinance No. 2743 for making copies of public documents available at a reasonable cost.

Recommendations: Amend policy to ensure that it does not discriminate against persons with disabilities who may request documents in alternate formats.

6. Children's Playground Equipment

This is a policy specifying that playground equipment specifically designed for toddlers will not be purchased or accepted by DPR.

Recommendation: Expand the policy to require compliance with ADA for accessibility.

7. Ground breaking Ceremony and Dedication of Facilities

Establishes policy and procedures for Ground breaking and dedication ceremonies including responsibilities for planning and coordinating these events.

Recommendations: Whenever possible, the ceremony should be sited in an accessible location. If the area is unimproved,

then plans should be made to accommodate persons with disabilities. When invitations and publicity for an event are prepared, the information provided to the public should contain a notice that reasonable modifications will be made to accommodate persons with disabilities upon advance notice by the requestor and should contain information on how the Department can be contacted.